

LABEL, IN PART: (Can) "Rocky Mountain High Altitude Mellhorn Quality Unpitted Royal Anne Light Sweet Cherries in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained cherries weighing less than 1/10 of an ounce and the weight of the largest cherries in the container was more than twice the weight of the smallest cherries, and the label failed to bear a statement that the product fell below the standard; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned cherries since it did not contain the maximum quantity of the cherry ingredient which could be sealed in the container and processed by heat to prevent spoilage, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: December 3, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

19876. Misbranding of canned peaches. U. S. v. 699 Cases, etc. (F. D. C. Nos. 33908, 33909. Sample Nos. 2698-L, 2700-L.)

LIBELS FILED: October 13, 1952, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 6 and 15, 1952, by the Jones Bros. Canning Co., from Greer, S. C.

PRODUCT: 1,197 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Miami, Fla.

LABEL, IN PART: (Can) "Cedar Rock Brand * * * Yellow Freestone Peaches In Light Syrup Mixed Pieces of Irregular Sizes and Shapes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear, as required by the definition and standard, the name of the optional peach ingredient present since the label bore the statement "Mixed Pieces of Irregular Sizes and Shapes," whereas the product was peach halves; and, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the peaches did not meet the test for tenderness prescribed by the standard and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: December 2, 1952. The Apte Brokerage Co., Miami, Fla., having appeared as claimant, judgments of condemnation were entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

19877. Misbranding of canned peaches. U. S. v. 748 Cases * * *. (F. D. C. No. 33873. Sample No. 7944-L.)

LIBEL FILED: September 18, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 18, 1952, by Moyer Bros., from Luray, Va.

PRODUCT: 748 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Pittsburgh, Pa.

LABEL, IN PART: (Can) "Stony Man Brand * * * Yellow Freestone Peaches Halves in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the name of the optional packing medium present since the label bore the statement "in Heavy Syrup" and the peaches were packed in light sirup; and, Section 403 (h) (1), the article fell below the standard of quality for canned peaches since all peach units of the article did not meet the test for tenderness prescribed by the standard and the weight of the largest unit in the container of the article was more than twice the weight of the smallest unit therein, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: October 1, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product subsequently was relabeled.

19878. Misbranding of canned peaches. U. S. v. 247 Cases * * *. (F. D. C. No. 33874. Sample No. 28239-L.)

LIBEL FILED: September 25, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 15, 1952, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 247 cases, each containing 24 6-pound, 4-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Parke's Brand Canned Fancy White Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear, as required by the definition and standard, the name of the optional peach ingredient and the name of the optional packing medium present since the label bore the statement "Nectar Peaches In Extra Heavy Syrup" and the product was halves of freestone peaches and was packed in heavy sirup.

DISPOSITION: October 27, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

19879. Adulteration of blended grapefruit and pineapple juice. U. S. v. 150 Cases * * * (and 2 other seizure actions). Cases consolidated and tried to a jury; verdict for the Government. Judgment of condemnation and destruction. Appeal to Circuit Court of Appeals for Fifth Circuit; judgment of lower court affirmed. (F. D. C. Nos. 27320, 27465, 27568. Sample Nos. 13554-K, 58196-K, 63613-K.)